

JUDICIAL CODE (42 PA.C.S.) - GOOD SAMARITAN CIVIL IMMUNITY FOR
USE OF AUTOMATED EXTERNAL DEFIBRILLATOR AND NONMEDICAL GOOD
SAMARITAN CIVIL IMMUNITY

Act of Jul. 5, 2012, P.L. 1081, No. 125
Session of 2012
No. 2012-125

Cl. 42

SB 351

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, further providing for Good Samaritan civil immunity for use of automated external defibrillator and for nonmedical good Samaritan civil immunity.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 8331.2 and 8332 of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:
§ 8331.2. Good Samaritan civil immunity for use of automated external defibrillator.

(a) General rule.--[Except as otherwise provided in this section, any individual who is trained to use an automated external defibrillator in accordance with subsection (c) and] **Any person** who in good faith **acquires and maintains an AED** or uses an AED in an emergency shall not be liable for any civil damages as a result of any acts or omissions by [such] **an** individual [in] using the AED, except [any] **if** acts or omissions intentionally designed to harm or any grossly negligent acts or omissions [which] result in harm to the individual receiving the AED treatment.

(b) Requirements.--Any person who acquires and maintains an AED for use in accordance with this section shall [not be liable for civil damages provided that the person]:

(1) [Ensures] **Ensure** that expected AED users receive training pursuant to subsection (c).

(2) [Maintains and tests] **Maintain and test** the AED according to the manufacturer's operational guidelines.

(3) [Provides] **Provide** instruction requiring the user of the AED to utilize available means to immediately contact and activate the emergency medical services system.

(4) [Assures] **Assure** that any appropriate data or information is made available to emergency medical services personnel or other health care providers as requested.

(c) Training.--For purposes of this section, expected AED users shall complete training in the use of an AED [provided by the American National Red Cross or the American Heart Association or through an equivalent course of instruction approved by the Department of Health in consultation with a technical committee of the Pennsylvania Emergency Health Services Council] **consistent with American Red Cross, American Heart Association or other national standards as identified and approved by the Department of Health in consultation with the Pennsylvania Emergency Health Services Council.**

(d) Obstruction of emergency medical services personnel.--Nothing in this section shall relieve a person who uses an AED from civil damages when that person obstructs or

interferes with care and treatment being provided by emergency medical services personnel or a health professional.

[(e) Exception.--Any individual who lacks the training set forth in subsection (c) but who has access to an AED and in good faith uses an AED in an emergency as an ordinary, reasonably prudent individual would do under the same or similar circumstances shall receive immunity from civil damages as set forth in subsection (a).]

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Automated external defibrillator" or "AED." A portable device that uses electric shock to restore a stable heart rhythm to an individual in cardiac arrest.

"Emergency." A situation where an individual is believed to be in cardiac arrest [and] **or is** in need of immediate medical attention to prevent death or serious injury.

"Good faith." Includes a reasonable opinion that the immediacy of the situation is such that the use of an AED should not be postponed until emergency medical services personnel arrive or the person is hospitalized.

§ 8332. [Nonmedical] **Emergency response provider and bystander good Samaritan civil immunity.**

(a) General rule.--[Any person who renders emergency care, first aid or rescue at the scene of an emergency, or moves the person receiving such care, first aid and rescue to a hospital or other place of medical care, shall not be liable to such person for any civil damages as a result of any acts or omissions in rendering the emergency care, first aid or rescue, or moving the person receiving the same to a hospital or other place of medical care, except any acts or omissions intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the person receiving the emergency care, first aid or rescue or being moved to a hospital or other place of medical care] **Any person, including an emergency response provider, whether or not trained to practice medicine, who in good faith renders emergency care, treatment, first aid or rescue at the scene of an emergency event or crime or who moves the person receiving such care, first aid or rescue to a hospital or other place of medical care shall not be liable for any civil damages as a result of rendering such care, except in any act or omission intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the person receiving emergency care or being moved to a hospital or other place of medical care.**

[(b) Exceptions.--

(1) This section shall not relieve a driver of an ambulance or other emergency or rescue vehicle from liability arising from operation or use of such vehicle.

(2) In order for any person to receive the benefit of the exemption from civil liability provided for in subsection (a), he shall be, at the time of rendering the emergency care, first aid or rescue or moving the person receiving emergency care, first aid or rescue to a hospital or other place of medical care, the holder of a current certificate evidencing the successful completion of a course in first aid, advanced life saving or basic life support sponsored by the American National Red Cross or the American Heart Association or an equivalent course of instruction approved by the Department of Health in consultation with a technical committee of the Pennsylvania Emergency Health Services Council and must be performing techniques and employing

procedures consistent with the nature and level of the training for which the certificate has been issued.]

(c) Exception.--This section shall not relieve a driver of a vehicle, including an ambulance or other emergency rescue vehicle, from liability arising from an operation or use of such vehicle pursuant to subsection (a).

(d) Definition.--For the purposes of this section, the term "emergency response provider" includes Federal, State and local emergency public safety, law enforcement, emergency response, emergency medical services personnel, response teams, agencies and authorities, excluding hospital emergency facilities and related personnel.

Section 2. This act shall take effect in 60 days.

APPROVED--The 5th day of July, A.D. 2012.

TOM CORBETT